

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jun 18, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM ROBERT FAYANT,

Defendant,

and

FREEDOMREWARDS 401(K) PLAN c/o  
CWGS GROUP, LLC; STATE STREET  
BANK ND TRUST; and  
TRANSAMERICA RETIREMENT  
SOLUTIONS, LLC,

Garnishees.

No. 2:23-CR-00048-TOR-001

ORDER OF CONTINGENT  
GARNISHMENT

A Writ of Garnishment, directed to Garnishee, FREEDOMREWARDS 401(K)  
PLAN c/o CWGS GROUP, LLC; STATE STREET BANK AND TRUST; and  
TRANSAMERICA RETIREMENT SOLUTIONS, LLC, has been duly issued and  
served upon the Garnishee. Pursuant to the Writ of Garnishment, Garnishee State  
Street Bank and Trust filed its Answer on January 2, 2024, indicating that the Writ of  
Garnishment should be directed to Transamerica Retirement Solutions, LLC.

On or about February 13, 2024, in response to a subpoena issued by the

ORDER OF CONTINGENT GARNISHMENT ~ 1

1 Financial Litigation Unit, Garnishee Transamerica Retirement Solutions, LLC  
2 provided documentation that it had in its possession or under its control, personal  
3 property belonging to and due Defendant, and that Garnishee was indebted to  
4 Defendant.  
5

6 On December 8, 2023, Defendant was notified of the right to a hearing and  
7 requested a hearing to determine exempt property.  
8

9 On January 24, 2024, a hearing was held at the request of the Defendant.  
10

11 Subsequent to the hearing on January 24, 2024, the United States and  
12 Defendant stipulated to a one-time hardship withdrawal of \$4,000 from the  
13 Defendant's FreedomRewards 401(K) account, keeping in place the current Writ of  
14 Garnishment securing the remaining and future funds in the account.  
15

16 **THEREFORE, IT IS ORDERED** that:  
17

18 1. Defendant's Motion to Quash Writ of Garnishment, ECF No. 17, is  
19 **DENIED**.  
20

21 2. Garnishee record this Order as a valid lien upon WILLIAM ROBERT  
22 FAYANT's future, contingent right to receive retirement funds from the Plan  
23 once a distributable event, as outlined herein, occurs;  
24

25 3. Notwithstanding the Writ of Garnishment, Garnishee **shall permit a one-**  
26 **time hardship withdrawal of \$4,000** from the Defendant's account under such  
27 terms and conditions as provided for in the Plan and subject to any appropriate  
28

federal income tax withholding;

4. With the exception of a one-time hardship withdrawal of \$4,000, it is  
3 ordered that upon the future occurrence of a distributable event as defined by  
4 the Plan, the Garnishee shall immediately notify the United States and  
5 immediately garnish the retirement funds in a manner consistent with the Plan  
6 terms. Upon such garnishment, Garnishee shall pay the balances held in any or  
7 all accounts of Defendant, plus any accrued interest or other deposits, in full to  
8 Plaintiff subject to the mandatory 20% tax withholding required by 26 U.S.C. §  
9 3405(c)(1), but without any assessment of an additional 10% tax withholding.

12 Payments shall be made payable to the **CLERK OF COURT, include the**  
13 **defendant's name, WILLIAM ROBERT FAYANT and Case No. 2:23-CR-**  
14 **00048-TOR-1, and be mailed to: United States District Court, Post Office**  
15 **Box 1493, Spokane, Washington 99210-1493.**

18 The District Court Executive is directed to file this Order and provide copies to  
19 the Parties and the Garnishee at the following address: FREEDOMREWARDS  
20 401(K) PLAN, c/o CWGS Group, LLC, c/o CT Corporation System, Registered  
21 Agent, 711 Capitol Way S., Ste. 204, Olympia, WA 98501.

23 DATED June 18, 2024.



24  
25 A handwritten signature in blue ink that reads "Thomas O. Rice".  
26 THOMAS O. RICE  
27 United States District Judge